IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7603 OF 2004

Sawala Krishna Pingale .. Petitioner.
Vs.
Arun Wamanrao Gundge .. Respondent.

Mr.K.B.Sohwalkar for the petitioner.
Mr.P.D.Gharge for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 12TH OCTOBER, 2004

P.C.:

. Mr.Sohwalkar, learned counsel for the petitioner and Mr.Gharge, learned counsel for the respondent.

2. This petition is directed against the order dated 5.8.2004 passed by the Additional Commissioner, Pune by which the application filed by the petitioner seeking interim stay of the order impugned in the revision has been rejected. The revision pending before the Additional Commissioner, challenges the order dated 10.3.2004 passed by the Additional Collector in the appeal filed by the petitioner. Mr.Sohwalkar, learned counsel for the petitioner states that pending

hearing and final disposal of the revision if interim stay is not granted the respondent is likely to disturb the petitioner's possession. Mr.Gharge, learned counsel for the respondent, on other hand states that the respondent is in possession of the land in dispute. I would not like to express any opinion on the merits of the case. Keeping in view the submissions of the learned counsel for the parties and considering the overall facts and circumstances of the case, in my opinion, an appropriate course would be to direct the Commissioner, Pune to dispose of the revision application filed by the petitioner within time frame and in the meanwhile direct the parties to maintain status quo. Hence I pass the following order:

(a) The Additional Commissioner, Pune shall decide revision, application filed by the petitioner, against the order dated 13.3.2004 passed by the Additional Collector as expeditiously as possible and preferrably within a period of three months from the date of receipt of this order.

(b) Until disposal of the revision, the parties

are directed to maintain status quo.

(c) The Additional Commissioner shall decide the revision on merits in accordance with law.

(d) The petitioner to communicate this order to the Commissioner within two weeks from today.

(e) All contentions are left open.

(f) Let me make it clear that while granting the order of status quo I shall not be understood to have examined merits of the case.

. The writ petition is, accordingly, disposed of.

(D.B.Bhosale, J.)